

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF THE REGULAR COUNCIL MEETING
DATE 01/10/2022**

The meeting was called to order at 7:00 p.m. by Mayor Krueger in the Swartz Creek City Council Chambers, 8083 Civic Drive.

Invocation and Pledge of Allegiance.

Councilmembers Present: Florence, Gilbert, Hicks, Krueger, Pinkston, Henry.

Councilmembers Absent: Vacant At Large.

Staff Present: City Manager Adam Zettel, Clerk Connie Olger.

Others Present: Lania Rocha, Andy Harris, Metro PD Chief Bade, Steve Long, Kolby Miller, Fire Chief Dave Plumb, Steve Tabit.

Others Virtually Attended: Chris Stritmatter City Attorney, Bob Plumb, Dennis Cramer.

APPROVAL OF MINUTES

Resolution No. 220110-01

(Carried)

Motion by Councilmember Florence
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Minutes of the Regular Council Meeting held Monday December 13, 2021, to be circulated and placed on file.

YES Florence, Gilbert, Hicks, Krueger, Pinkston, Henry.
NO: None. Motion Declared Carried.

APPROVAL OF AGENDA

Resolution No. 220110-02

(Carried)

Motion by Councilmember Henry
Second by Councilmember Gilbert

I Move the Swartz Creek City Council approve the Agenda as, amended for the Regular Council Meeting of January 10, 2022, to be circulated and placed on file.

YES: Gilbert, Hicks, Krueger, Pinkston, Henry, Florence.

NO: None. Motion Declared Carried.

CITY MANAGER'S REPORT

Resolution No. 220110-03

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Gilbert

I Move the Swartz Creek City Council accept the City Manager's Report of January 10, 2022, including reports and communications to be circulated and placed on file.

YES: Hicks, Krueger, Pinkston, Henry, Florence, Gilbert.
NO: None. Motion Declared Carried.

APPROVAL OF AMENDED AGENDA

Resolution No. 220110-04

(Carried)

Motion by Councilmember Henry
Second by Mayor Pro Tem Hicks

I Move the Swartz Creek City Council approve the amended Agenda as, amended for the Regular Council Meeting of January 10, 2022, to be circulated and placed on file.

Unanimous Voice Vote.
Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

None.

COUNCIL BUSINESS:

DEDICATED AMBULANCE SERVICE

DISCUSSION

Kolby Miller representing MedStar, briefly reviewed issues with the current ambulance service, failures, response times and the advantages of using a dedicated service. He recommended the use of a dedicated service.

RESOLUTION TO APPROVE MEDICAL RUNS AS A SERVICE OF THE SWARTZ CREEK AREA FIRE DEPARTMENT

Fire Chief Dave Plumb updated the council on Swartz Creek's medical run service. He requested continuing the service and do an evaluation in a year.

Resolution No. 220110-05

(Carried)

Motion by Councilmember Gilbert
Second by Mayor Pro Tem Hicks

WHEREAS, the City of Swartz Creek operate a joint fire department as established by an interlocal agreement and overseen by the Swartz Creek Area Fire Board; and,

WHEREAS, the interlocal agreement outlines specific services and a specific process for budgetary review and approval by the municipalities; and,

WHEREAS, the SCAFD commenced medical runs as a new service, with the understanding that Clayton Township and Swartz Creek City would review the service and its budget demand after a temporary period of data collection; and,

WHEREAS, the Swartz Creek City Council finds that the medical run service is affordable and valuable as presented by the SCAFD Chief.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Swartz Creek affirms support for the SCAFD medical run program and commits to funding the program for the 2022 calendar year.

YES: Pinkston, Henry, Florence, Gilbert, Hicks, Krueger.

NO: None. Motion Declared Carried.

WATER TOWER INSPECTION PROPOSAL

Resolution No. 220110-06

(Carried)

Motion by Councilmember Pinkston
Second by Councilmember Henry

WHEREAS, the City of Swartz Creek owns, operates, and maintains a water distribution system, including a 300,000 gallon Toro Ellipse Elevated Water Tower; and

WHEREAS, the water tower, though structurally sound, is physically disconnected from the water distribution system; and

WHEREAS, the water tower houses a wireless network provider, school communications, and there is additional demonstrated interest to house wireless cellular carriers and/or city utility reading transponders; and

WHEREAS, the water tower may yet be reconnected to the city and/or county water system to assist with the maintenance of pressures and/or provision of emergency water supplies in the future; and

WHEREAS, alternate uses for the structure may also be advisable or desirable; and

WHEREAS, the tower was last inspected by Dixon Engineering in 2014, which resulted in painting and additional work occurring in 2017; and

WHEREAS, it is advisable to continue periodic inspections of the tower to ensure it is physically safe and able to be put back into service, if needed.

NOW, THEREFORE, BE IT RESOLVED the City of Swartz Creek City Council approves the proposal by Dixon engineering and Inspection Services of Lake Odesa, Michigan, in the amount of \$3,600, as included in the city council packet of January 10, 2022.

BE IT FURTHER RESOLVED that the City Council authorizes and directs the Mayor to execute said proposal on behalf of the city and for the city Treasurer to appropriate such costs to the Water Fund.

Discussion Ensued.

YES: Henry, Florence, Gilbert, Hicks, Krueger, Pinkston.

NO: None. Motion Declared Carried.

Break 7:51 p.m. to 7:58 p.m.

COMMISSION APPOINTMENT

Resolution No. 220110-07

(Carried)

Motion by Councilmember Florence

Second by Councilmember Henry

WHEREAS, the laws of the State of Michigan, the Charter and Ordinances of the City of Swartz Creek, interlocal agreements in which the City of Swartz Creek is a member, and previous resolutions of the city council require and set terms of offices for various appointments to city boards and commissions, as well as appointments to non-city boards and commissions seeking representation by city officials; and

WHEREAS, there exists a vacancy for such a position; and

WHEREAS, said appointment is a Mayoral appointment subject to affirmation of the city council.

NOW, THEREFORE, BE IT RESOLVED, the Swartz Creek City Council concur with the Mayor and City Council appointments as follows:

#220110-07 **MAYOR APPOINTMENT:** **David Krueger**
Metro Police Authority of Genesee County, City Council Member
Three year term, expiring January 31, 2025

YES: Florence, Gilbert, Hicks, Krueger, Pinkston, Henry.

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE SUBMITTAL OF ARPA PROJECTS TO GENESEE COUNTY

Resolution No. 220110-08

(Carried)

Motion by Councilmember Henry
Second by Councilmember Florence

WHEREAS, the County of Genesee has received ARPA dollars, which can be used on eligible projects within the county, including projects by county municipalities; and

WHEREAS, the Genesee County Board of Commissioners, through the Genesee County Metropolitan Planning Commission, has issued a call for projects to local municipalities within Genesee County, with said submissions due by January 14, 2022; and

WHEREAS, projects are to be COVID eligible and collaborative in nature, with higher priority given to projects with local match and economic impact; and

WHEREAS, the City of Swartz Creek, working closely with Mundy Township on recreational investments, is seeking to activate a regional activity in Otterburn Park, said activity being an 18 basket disc golf course, sledding hill, and gathering space; and

WHEREAS, the project is of the appropriate scale, scope, and other criteria to be eligible and competitive.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek hereby approves submission of the Otterburn Disc Golf Course project and Genesee

Valley Trail Project to the GCMPC for ARPA funds and authorizes and directs the Mayor to sign said project application on behalf of the city.

Discussion Ensued.

YES: Florence, Gilbert, Hicks, Krueger, Pinkston, Henry.
NO: None. Motion Declared Carried.

RESOLUTION TO FILL CITY COUNCIL VACANCY

Resolution No. 220110-09

(Carried)

Motion by Councilmember Henry
Second by Councilmember Florence

WHEREAS City Council Member Fountain relocated from the city and vacated her at-large city council seat, effective on December 18, 2021, and;

WHEREAS, the City Charter, Section 4.7, requires the seat be filled within thirty days with a qualifying elector, and;

WHEREAS, Dennis Cramer, a qualifying resident of the city, has volunteered to serve in the capacity as an at-large Swartz Creek City Council Member, and;

WHEREAS, Dennis Cramer has been found to satisfy the criteria to hold office as a City Council Member,

NOW, BE IT RESOLVED that the Swartz Creek City Council hereby appoints Dennis Cramer to the vacant at-large City Council seat of Mrs. Fountain, as outlined in the city charter.

BE IT FURTHER RESOLVED that City Clerk is directed to administer the oath of office to Dennis Cramer and execute other related administrative functions necessary to formalize his/her status as a City Council Member prior to the regular meeting of January 24, 2022.

Discussion Ensued.

YES: Hicks, Krueger, Pinkston, Henry, Florence.
NO: Gilbert. Motion Declared Carried.

RESOLUTION TO RECOMMEND APPROVAL OF A LIQUOR LICENSE FOR 8013 MILLER ROAD

Resolution No. 220110-10

(Carried)

Motion by Councilmember Hicks
Second by Councilmember Florence

WHEREAS, the City of Swartz Creek has assigned all geography allocated unclaimed Class C Liquor Licenses as relegated by the State of Michigan Liquor Control Commission; and

WHEREAS, the City of Swartz Creek established a Downtown Development Authority District under Public Act 197 of 1975, as amended; and

WHEREAS, businesses in the DDA are eligible for a new Development District on-premise liquor license under MCL 436.1521a(1)(b), if the development district, city, and applicant meet certain qualifications, those qualifications include but are not limited to: the investment of over \$200,000 within the development district in the preceding five years; the ability of the establishment to seat at least 25 persons; the business must be related to dining, entertainment, or recreation; the business must invest at least \$75,000 in the establishment; and

WHEREAS, the owner of 8013 Miller Road (a former restaurant), AVH Lockhart, LLC., is applying for such a license to be used onsite with the intention of operating a restaurant/tavern at the site; and

WHEREAS, the City of Swartz Creek and the Swartz Creek Downtown Development Authority allow and encourage such uses within the Central Business District; and

WHEREAS, the City of Swartz Creek finds that the applicant appears to satisfy the local and statutory requirements necessary to operate a tavern at 8013 Miller Road.

NOW, THEREFORE, BE IT RESOLVED, the City of Swartz Creek recommends that the application by AVH Lockhart, LLC for a new on-premises Class C Liquor License for 8013 Miller Road, Swartz Creek, Michigan, as applied for under MCL 436.1521a(1)(b), be considered for approval by the Michigan Liquor Control Commission.

Discussion Ensued.

YES: Hicks, Krueger, Pinkston, Henry, Florence, Gilbert.
NO: None. Motion Declared Carried.

8002 Miller Rd

DISCUSSION

City Manager Adam Zettel wants to know the council's pleasure on proceeding with eviction of the current tenant. Mr. Stritmatter City Attorney updated the council that the required monies due was received by the deadline. Since the court mandate she has accumulated several months owing. Mr. Stritmatter has had contact with the tenant and expressed that the council is growing weary of the tenant's lack of communication. The

council requested the attorney send the tenant a letter detailing all the issues and requesting resolutions from the tenant on the issues within a specific time frame.

A RESOLUTION TO ESTABLISH A REQUEST FOR FUNDING, DESIGNATE AN AGENT, ATTEST TO THE EXISTENCE OF FUNDS AND COMMIT TO IMPLEMENTING A MAINTENANCE PROGRAM FOR THE GENESEE VALLEY TRAIL EXTENSION FUNDED BY THE TRANSPORTATION ALTERNATIVES PROGRAM

Resolution No. 220110-11

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Henry

WHEREAS, the Transportation Alternatives program is a federally funded program administered in Michigan by the Michigan Department of Transportation (MDOT); and

WHEREAS, the City of Swartz Creek has been awarded funds through MDOT from the Transportation Alternatives Program to construct non-motorized trail improvements known as the Genesee Valley Trail Extension; and

WHEREAS, MDOT requires a formal commitment from the public agency that will be receiving these funds and will be implementing and maintaining these infrastructure projects.

NOW, THEREFORE, BE IT RESOLVED THAT, the City has authorized Adam Zettel, City Manager, to act as agent on behalf of the City to request Transportation Alternatives Program funding, to act as the applicant's agent during the project development, and to sign a project agreement upon receipt of a funding award.

BE IT FURTHER RESOLVED THAT, the City attests to the existence of, and commits to, the funds necessary to carry out the project, including engineering for design and construction, permit fees, administration costs, cost overruns, and matching funds equal to 80% of the overall project cost.

BE IT FURTHER RESOLVED THAT, the City commits to establishing the ownership, operation, funding and implementation of a maintenance program over the design life of the facilities constructed with Transportation Alternatives Program funding.

YES: Krueger, Pinkston, Henry, Florence, Gilbert, Hicks.
NO: None. Motion Declared Carried.

MEETING OPENED TO THE PUBLIC:

Dennis Cramer 5299 Worchester Drive thanked the council for vote of confidence and approval for the councilmember appointment.

REMARKS BY COUNCILMEMBERS:

Councilmember Florence the Genesee Wind Symphony was a wonderful presentation.

Mayor Krueger commented on his write up on the symphony in the Winter newsletter going out now.

ADJOURNMENT

Resolution No. 220110-12

(Carried)

Motion by Councilmember Gilbert
Second by Councilmember Henry

I Move the Swartz Creek City Council adjourn the regular meeting at 8:37 p.m.

Unanimous Voice Vote.

David A. Krueger, Mayor

Connie Olger, City Clerk